

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARK YOUNGERS, KIMBALL LLOYD,  
FRANCES BRIGGS, JOSEPH D. MITCHELL,  
BRENDAN HOFFMAN, AND ALFRED TOLLI,  
INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED,

Plaintiffs,

- against -

VIRTUS INVESTMENT PARTNERS, INC.,  
VIRTUS INVESTMENT ADVISERS, INC., F-  
SQUARED INVESTMENTS, INC., F-SQUARED  
ALTERNATIVE ADVISORS, LLC, F-SQUARED  
INSTITUTIONAL ADVISORS, LLC, F-  
SQUARED INVESTMENT MANAGEMENT,  
LLC, EUCLID ADVISORS, LLC, VP  
DISTRIBUTORS, LLC, GEORGE R. AYLWARD,  
MICHAEL A. ANGERTHAL, W. PATRICK  
BRADLEY, LEROY KEITH, JR., PHILIP R.  
MCLOUGHLIN, GERALDINE M. MCNAMARA,  
JAMES M. OATES, RICHARD E. SEGERSON,  
FERDINAND L.J. VERDONCK, FRANCIS G.  
WALTMAN, MARK S. FLYNN, HOWARD  
PRESENT, AMY ROBINSON,

Defendants,

- and -

VIRTUS OPPORTUNITIES TRUST,

Nominal Defendant.

Case No. 15-cv-8262 (WHP)

ECF Case

**NOTICE OF MOTION TO DISMISS THE  
SECOND AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in  
Support of the Virtus Defendants' Motion To Dismiss the Second Amended Class Action  
Complaint, the Declaration of Daniel J. Stujenske, Esq., dated February 1, 2016, and the exhibits

attached thereto, Defendants Virtus Investment Partners, Inc., Virtus Investment Advisers, Inc., Euclid Advisors, LLC, VP Distributors, LLC, George R. Aylward, Michael A. Angerthal, W. Patrick Bradley, Francis G. Waltman, Mark S. Flynn and Amy Robinson and Nominal Defendant Virtus Opportunities Trust (collectively, the “Virtus Defendants”), by and through their undersigned attorneys, will move this Court, before the Honorable William H. Pauley III, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, on April 8, 2016 at 11:00 a.m., for an Order dismissing Plaintiffs’ Second Amended Class Action Complaint pursuant to the Private Securities Litigation Reform Act of 1995 and Federal Rules of Civil Procedure 9(b), 12(b)(6), and 23.1(b).

Dated: New York, New York  
February 1, 2016

SIMPSON THACHER & BARTLETT LLP

By: /s/ Joseph M. McLaughlin  
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